IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL REVISION APPLICATION NO.470 OF 2006

Shankar R.Ghogale .. Applicant.

V/s.

The State of Maharashtra & Ors. .. Respondents.

Shri.Rajendra Sorankar for applicant.

Shri.Rajesh More, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 22ND DECEMBER, 2006

P.C.:

1. The applicant wanted to dispute the record of the lower Appellate Court. In his submission, the learned Sessions Judge was in complete error in holding that the applicant has not challenged his conviction for the offence punishable u/s.138 of Negotiable Instruments Act but has restricted the appeal only to the quantum of sentence.

2. Considering the submission made before me, I had granted opportunity to the applicant to show his bonafides and bring at least a sum of Rs.75,000/- so that this court may consider the issue raised in this criminal revision application.

3. However, the applicant has despite the time being granted failed to bring any sum. It would not be appropriate therefore to entertain this application. The learned Judge has rightly interfered with the quantum of the sentence and instead of sentencing the applicant to Rigorous imprisonment, he has directed that the sentence would be simple imprisonment. Since the applicant has not shown any bonafides and even otherwise this is not a fit case for inteference in the revisional jurisdiction, in the peculiar facts of this case, the Revision Application is summarily dismissed.

4. Liberty is granted to the applicant, however, to apply for appropriate reliefs with regard to the sum of Rs.30,000/- deposited in the lower Appellate Court.

(S.C.Dharmadhikari, J.)